

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16cv244**

JOHN SMALL AND ELVA SMALL,)

)

)

Plaintiffs,)

)

v.)

)

ORDER

ANDY FRAIN SERVICES, INC. AND)

DALLAS COWBOYS FOOTBALL)

CLUB, LTD.,)

)

)

Defendants.)

)

Pending before the Court are the Motion to Dismiss [# 10] and Motion to Change Venue [# 12]. Counsel notified the Court that the parties have reached a settlement agreement in this case, and the District Court provided the parties a deadline for filing a stipulation of dismissal. Accordingly, the Court **DENIES with leave to renew** the pending Motion to Dismiss [# 10] and Motion to Change Venue [# 12]. If the parties fail to finalize the settlement of this matter and file a stipulation of dismissal within the required time, the parties may renew their Motion to Dismiss and Motion to Change Venue, and the Court will issue a Memorandum and Recommendation to the District Court addressing the substance

of the motions.

Signed: September 1, 2016

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

